THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION Nos.23425 OF 2005 &
12242 AND 12259 OF 2007

DATED: 03-09-2007

BETWEEN

Movva Ramakrishna,
S/o. late M.V. Raghavaiah,
R/o. 1-1-336/39/A/1,
Vivek Nagar, Chikkadpally,
Hyderabad.

...PETITIONER

AND

State of Andhra Pradesh,
Rep. by its Principal Secretary,
Home Department, Secretariat
Buildings, Hyderabad and others.

...RESPONDENTS

COMMON ORDER:

WP.Nos.12242 and 12259 of 2007:

Petitioner is these writ petitions is one and the same and seeks a Writ of Mandamus to declare the action of the respondent – police authorities in not registering the complaint lodged by him in respect of the lands admeasuring 280 acres situated in Kondapur village, Serilingampally Mandal, Ranga Reddy District and in not investigating the cases as per the complaint as illegal and arbitrary and to direct the respondents not to interdict his rights and his family members which are subject to adjudication in various civil suits. The grievance of the petitioner is that the complaints made by him have not been considered and registered.

2. On instructions, the learned Government Pleader for Home, submits that on the complaints filed by the petitioners two cases have been registered in Cr.No.513 of 2005 under Sections 193, 196, 197, 189, 200, 420, 465, 468, 474, 120 (B) read with Section 34 of the Indian Penal Code, 1860 on the file of the Kukatpally Police Station and Cr.No.134 of 2006 under Sections 193, 196,197, 198, 199 and 200 IPC on the file of the Abids Police Station and the cases are under investigation. In fact, the petitioner filed WP.No.13526 of 2006 seeking the same relief and without disclosing the filing of the said writ petition the petitioner resorted to filing these two writ petitions, therefore, for suppression of fact, these two writ petitions are liable to be dismissed. It is further stated that the petitioner made a representation dated 29.05.2007 requesting to provide police protection to his life and to his property and as civil disputes are pending, the police cannot provide any protection. Unless the civil Courts decide the civil disputes,
it is not desirable for the police to consider such application for giving any police protection.

3. I am of the opinion that unless the civil rights have been decided finally by the civil Court, the police cannot provide any protection. If the complaints of the petitioner have not been registered, petitioner has an effective remedy by way of filing a private complaint before the concerned Magistrate under Sections 199 read with Section 200 of the Code of Criminal Procedure. If any complaints are being filed against the petitioner the law will take its own course, therefore, the petitioner cannot prevent the criminal law to be set in motion. In view of the aforesaid facts and circumstances, I do not see any merits in any of the contentions of the petitioner and the writ petitions are liable to be dismissed.

The writ petitions are accordingly dismissed.

W.P.NO.23425 OF 2005:

Insofar as this writ petition to direct the Inspector of Police, Kukatpally to investigate and finalize the report on complaint made in Cr.No.513 of 2005 is concerned, it is stated that the private complaint filed by the petitioner against Attluri Chandrashekar and Basava Kumari, was referred under Section 153 Cr.P.C. and a case has been registered and investigation has been taken up and five witnesses have been examined. It is further stated that A2 having obtained anticipatory bail is not appearing before the Investigating Officer. However, it is stated that all possible steps have been taken for completing the investigation.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the Inspector of Police, Kukatpally to expedite the investigation and file a final report/charge sheet as expeditiously as possible without any undue delay.

In the result, W.P.Nos.12242 and 12259 of 2007 are dismissed and W.P.No.23425 is disposed of. There shall be no order as to costs.

V. ESWARAIAH, J

September 3, 2007
DSK